IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11971 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

SHAKUNTAL EDUCATION TRUST & 6 - Petitioner(s)
Versus
VASUDEV A. PATEL & 6 - Respondent(s)

==========

Appearance :
MR ASHISH M DAGLI for Petitioner(s) : 1 - 7.
MR MAHENDRA K PATEL for Respondent(s) : 1 - 6.
- for Respondent(s) : 7,

==========

CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 11/05/2007

ORAL JUDGMENT

Rule. Mr.Mahendra K. Patel, learned advocate waives service of rule.

2. Looking to the controversy involved in the matter, without examining the question as to whether the present Special Civil Application is maintainable or not, after the matter is heard for some time a consensus is arrived at between the parties, who are present in the Court that they shall abide by the consent terms dated 11th May 2005 (Annexure 'E', page 55) and to implement the same they shall act according to those consent terms and execute necessary documents in favour of each other. However, to facilitate the execution of those documents and compliance of the consent terms the learned Judge, City Civil Court, Ahmedabad is directed to appoint a Court Commissioner, for getting the consent terms executed.

Besides, the parties have also agreed to execute a 'Memorandum of Understanding' to overcome the difficulty of managing the affairs of PTC College by and in the name of '*Shrey* Education Trust', which at present is in the name of 'Shakuntal Education Trust'. Both the learned advocates, Messrs Mahendra K. Patel and Ashish M. Dagli are instructed by their

respective clients, who are present in the Court to agree to the execution of Memorandum of Understanding between the parties.

3. In view of these directions, learned advocate Mr.Dagli for the petitioners states that after the said consent terms are executed upon, his clients will withdraw the suit as well as the proceedings filed before the Charity Commissioner. In the event the petitioner-original plaintiffs file an application for withdrawal of suit after consent terms are executed the Court to pass necessary orders on the same.

4. In view of the aforesaid directions the present petition does not survive. The same is disposed of with the aforesaid directions. Rule is made absolute. No order as to costs. Direct service is permitted today.

(RAVI R. TRIPATHI, J.)

karim